

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

GREGORY DONNELLY  
PETITIONER,

FILED  
CLERK'S OFFICE  
JULY 15 P 3:02  
)  
) CIVIL ACTION  
)

V.

BERNARD BRADY, SUPERINTENDENT  
OLD COLONY CORRECTION CENTER  
RESPONDENT,

) NO-04-12706-RWZ  
)  
)  
)

PETITIONER'S OPPOSITION TO THE RESPONDENT'S  
MOTION TO DISMISS PETITION

NOW COMES THE PETITIONER, GREGORY DONNELLY, ACTING PRO SE, IN THE ABOVE ENTITLED CASE, HEREBY SUBMITS PETITIONER'S OPPOSITION TO THE RESPONDENT'S MOTION TO DISMISS PETITION. IN SUPPORT OF THIS MOTION THE PETITIONER STATES THE FOLLOWING:

1) THIS PETITIONER DID IN FACT FILE HIS PETITION WITHIN A ONE-YEAR LIMITATIONS PERIOD AS REQUIRED BY THE ANTITERRORISM

2

AND EFFECTIVE DEATH PENALTY ACT OF 1996 ("AEDPA") SINCE PETITIONER RECEIVED FINAL RULING FROM THE MASSACHUSETTS SUPREME JUDICIAL COURT DOCKET NO. FAR-14358 (APPEALS COURT DOCKET NO. 2003-P-186), ON OCTOBER 27, 2004 (SEE PETITION ADDENDUM), (EXHIBIT A-1)

2) THIS PETITIONER HAS VIGOROUSLY WITHOUT DELAY SOUGHT RELIEF THROUGH THE MASSACHUSETTS COURTS TO CORRECT THE COMMONWEALTH'S BREACH OF ITS PLEA BARGAIN PROMISE ENTERED INTO WITH PETITIONER SINCE 1995. (SEE PETITION PG. 1-18), (EXHIBIT A-2)

3) PETITIONER'S FILINGS TO SEEK RELIEF IN THE MASSACHUSETTS COURT WERE NOT REDUNDANT AS RESPONDENT CLAIM IN

THIER MOTION TO DISMISS SINCE THIS PETITIONER FOLLOWED ALL COURTS INSTRUCTIONS FROM TIME OF SAID PLEA PROMISES IN FILING FOR JAIL CREDITS (SEE PLEA AGREEMENT TRANSCRIPTS, EXHIBITS A & B) TO INSTRUCTIONS FROM THE MASSACHUSETTS APPEALS IN SEEKING AND/OR DIRECTING THIS PETITIONER TO SEEK RELIEF BY WAY OF RULE 30 (SEE APP. CT. FOOTNOTE ON PG #5 IN PETITION ADDENDUM 41 MASS APP. CT. 1996) (EXHIBIT B-1)

4) THIS PETITIONER NEVER ATTACKED HIS CONVICTIONS OR AT ANY TIME DENIED HIS GUILT. THIS PETITIONER WAS AND IS ATTACKING THE BREACH IN HIS SENTENCE AFTER PROMISES MADE BY THE DISTRICT ATTORNEY TO ABSTACT HIS GUILTY PLEA (SEE EXHIBITS A, B AND PETITION PAGES

3 THROUGH 18), (EXHIBIT A-2)

5) HAD THIS PETITIONER NOT USED UP AND EXHAUSTED ALL STATE REMEDIES THROUGHOUT THESE LENGTHY LITIGATIONS PETITIONER WOULD OF BEEN SUBJECT TO ATTACK.

WHEREFORE: THIS PETITIONER RESPECTFULLY ASK THIS HONORABLE COURT TO DENY RESPONDENT'S MOTION TO DISMISS PETITION AND GRANT DONNELLY'S PETITION FOR A WRIT OF HABEAS CORPUS.

RESPECTFULLY SUBMITTED

DATE MAY 12, 2005

Gregory Donnelly  
GREGORY DONNELLY, PRO. SE,  
269 TREBLE COWERD  
BILLERICA, MA. 01862



# CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE  
SERVED BY FIRST CLASS MAIL A COPY OF  
THE ABOVE BY PLACING SAID IN THE INSTITUTIONAL  
MAIL BOX ADDRESSED

RANDALL RAVITZ,  
ASS. ATTORNEY GENERAL  
CRIMINAL BUREAU  
ONE ASHBURTON PLACE  
BOSTON, MA. 02108

DATE MAY 12, 2005

Gregory Donnelly  
GREGORY DONNELLY PRO. SE.